

**EXHIBIT B: DEFENDANTS' PROPOSED CONSTRUCTIONS AND IDENTIFICATION OF EVIDENCE**

	<b>Term</b>	<b>Defendants' Proposed Construction</b>	<b>Defendants' Identification of Intrinsic Evidence</b>	<b>Defendants' Identification of Extrinsic Evidence</b>
1	<p><b>“a software authoring interface configured to simultaneously visually emulate, via one or more profile display windows, a plurality of network characteristics indicative of performance of the mobile device when executing the application ... further configured to simulate a network connection state encountered by the mobile device”</b></p> <p>(’192 Patent, Claim 1)</p>	<p>Means-plus-function term. This term is indefinite</p> <p>Function: simultaneously visually emulate, via one or more profile display windows, a plurality of network characteristics indicative of performance of the mobile device when executing the application and simulate a network connection state encountered by the mobile device</p> <p>Structure: This term is indefinite for lack of sufficient corresponding structure in the specification.</p>	<p>’192 Patent at 3:5–7, 3:18–21, 4:53–5:29, 5:45–54, 6:65–7:3, 7:60–8:3, 9:5–17, 9:46–10:25, 10:30–13:45; Figs. 1A, 1B, 2, 6–13; Claims 1, 2, 12–16</p>	<p>Expert testimony regarding the meaning and scope of the claim terms as understood by a POSITA in light of the specification, file history, and any other relevant intrinsic or extrinsic evidence, including without limitation, expert testimony regarding the meaning of the phrase “software authoring interface,” the function performed by that interface as recited in the claim, and the structure, if any, disclosed in the specification for performing that function.</p>

	Term	Defendants' Proposed Construction	Defendants' Identification of Intrinsic Evidence	Defendants' Identification of Extrinsic Evidence
2	<p><b>“the software authoring interface is configured to enable a user to select from one or more connection simulations for testing how well mobile content performs on the mobile device”</b></p> <p>(’192 Patent, Claim 2)</p>	<p>Means-plus-function term. This term is indefinite</p> <p>Function: enable a user to select from one or more connection simulations for testing how well mobile content performs on the mobile device</p> <p>Structure: This term is indefinite for lack of sufficient corresponding structure in the specification.</p>	<p>’192 Patent at 3:5–7, 3:18–21, 4:53–5:29, 5:45–54, 6:65–7:3, 7:60–8:3, 9:5–17, 9:46–10:25, 10:30–13:45; Figs. 1A, 1B, 2, 6–13; Claims 1, 2, 12–16</p>	<p>Expert testimony regarding the meaning and scope of the claim terms as understood by a POSITA in light of the specification, file history, and any other relevant intrinsic or extrinsic evidence, including without limitation, expert testimony regarding the meaning of the phrase “software authoring interface,” the function performed by that interface as recited in the claim, and the structure, if any, disclosed in the specification for performing that function.</p>

	Term	Defendants' Proposed Construction	Defendants' Identification of Intrinsic Evidence	Defendants' Identification of Extrinsic Evidence
3	<p><b>“a software testing interface configured to simultaneously visually simulate, via one or more profile display windows, a plurality of operator network characteristics including at least bandwidth availability indicative of performance of the mobile device when executing the application”</b></p> <p>(’678 Patent, Claim 45)</p>	<p>Means-plus-function term. This term is indefinite</p> <p>Function: simultaneously visually simulate, via one or more profile display windows, a plurality of operator network characteristics including at least bandwidth availability indicative of performance of the mobile device when executing the application</p> <p>Structure: This term is indefinite for lack of sufficient corresponding structure in the specification.</p>	<p>’678 Patent at 3:7–9, 3:20–24, 5:1–45, 5:61–6:3, 7:11–18, 8:10–20, 9:24–35, 9:64–10:44, 10:49–14:3; Figs. 1A, 1B, 2, 6–13; Claim 1, 14, 26, 37, 45</p>	<p>Expert testimony regarding the meaning and scope of the claim terms as understood by a POSITA in light of the specification, file history, and any other relevant intrinsic or extrinsic evidence, including without limitation, expert testimony regarding the meaning of the phrase “software testing interface,” the function performed by that interface as recited in the claim, and the structure, if any, disclosed in the specification for performing that function.</p>

	Term	Defendants' Proposed Construction	Defendants' Identification of Intrinsic Evidence	Defendants' Identification of Extrinsic Evidence
4	<b>“network characteristics”</b> (’192 Patent, Claim 1; ’864 Patent, Claim 1; ’678 Patent, Claim 45; ’579 Patent, Claims 25, 26)	“characteristics of the network, regardless of whether they are identified directly or identified as events”	’864 Patent <sup>1</sup> , 2:50–3:16, 4:12–27, 7:25–35, 8:45–61, 9:60–10:18, 10:51–11:17, 11:43–12:17, 12:46–13:25, Figs. 3-5, 8-13, Claim 1; ’192 Patent, Claim 1; ’678 Patent, Claim 45; ’579 Patent, Claims 25, 26	Expert testimony regarding the meaning and scope of the claim terms as understood by a POSITA in light of the specification, file history, and any other relevant intrinsic or extrinsic evidence, including without limitation, expert testimony regarding the meaning of the phrase “network characteristics”; Expert Report of Sam Malek Relating to the Validity of U.S. Patent Nos. 8,924,192, 9,971,678, and 9,298,864 dated December 22, 2020 (MFSUB0016349-16500) at ¶¶37-59, 236-253.

<sup>1</sup> Defendants incorporate equivalent citations in each of the ’192, ’678, and ’579 Patents

	Term	Defendants' Proposed Construction	Defendants' Identification of Intrinsic Evidence	Defendants' Identification of Extrinsic Evidence
5	<b>“indicative of”</b> ('192 Patent, Claim 1; '864 Patent, Claim 1; '678 Patent, Claim 45; '811 Patent, Claims 1, 4, 9, 22, 24; '579 Patent, Claim 7)	Indefinite	<p>'811 Patent<sup>2</sup>, Abstract, 2, 4-14; 2:14-29, 2:37-61, 5:1-14, 5:30-37, 5:46-7:11, 7:19-40, 7:57-8:9, 9:15-35, 9:40-63, 10:5-20, 10:34-44, 10:49-11:59, 12:3-42, 12:56-13:40, 13:48-14:10, 14:63-15:3, Table 1, Figs. 1A-1B, Claims 1, 3, 4, 6, 7, 9-13, 15-16, 19-25, 27, 29; '579 Patent<sup>3</sup>, 15:1-19, 15:27-42, 16:11-23; 17:12-38, 19:55-20:22, Figs. 15, 16, 18-26, Claims 7, 24; '864 Patent, Claims 1, 20, 22, 29, 31, 33, 36; '678 Patent, Claims 1, 26, 37, 45; '192 Patent, Claims 1, 17, 35, 40, 60.</p> <p>'579 Patent, file history, May 16, 2019 Non-Final Rejection; '579 patent, file history, November 18, 2019 Amendment and Response to Non-Final Office Action.</p>	Expert testimony regarding the meaning and scope of the claim terms as understood by a POSITA in light of the specification, file history, and any other relevant intrinsic or extrinsic evidence, including without limitation, expert testimony regarding the meaning of the phrase “indicative of”; '579 patent, file history, May 16, 2019 Non-Final Rejection; '579 patent, file history, November 18, 2019 Amendment and Response to Non-Final Office Action.

<sup>2</sup> Defendants incorporate equivalent citations in each of the '192, '678, '864, and '579 Patents

<sup>3</sup> Defendants incorporate equivalent citations in the '864 Patent.

	<b>Term</b>	<b>Defendants' Proposed Construction</b>	<b>Defendants' Identification of Intrinsic Evidence</b>	<b>Defendants' Identification of Extrinsic Evidence</b>
6	<b>“the selected characteristics”</b> (’579 Patent, Claim 1)	Indefinite	’579 Patent at 2:15–22, 5:19–6:38, 6:46–7:3, 8:63–9:41, 10:37–11:2, 12:28–31, 13:8–11, 13:25–53, 13:57–14:24, 14:40–47; Figs. 1A, 1B, 5, 6, 9, 13, 14; Claims 1, 8, 10, 13, 15, 16, 21, 23	Expert testimony regarding the meaning and scope of the claim terms as understood by a POSITA in light of the specification, file history, and any other relevant intrinsic or extrinsic evidence, including without limitation, expert testimony regarding the antecedent basis, if any, for this claim limitation, whether this claim limitation has a reasonably ascertainable meaning, the order of steps recited in the claims, and the effect such order would have on understanding the construction of this claim term.